

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

TIMOTHY M. WALDRON,

Petitioner,

v.

Civil Action No. 3:06CV35

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION
ON PETITION FOR WRIT OF MANDAMUS

This matter is now before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated July 3, 2006 (Doc. No. 6), on the Petition for Writ of Mandamus (Doc. No. 1), filed April 18, 2006. Neither party filed objections to the Report and Recommendation of the Magistrate Judge. Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of the above. As a result, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (**Doc. No. 6**) should be, and is hereby, **ORDERED** adopted.

Accordingly, it is further **ORDERED** that the **Petition for Writ of Mandamus** (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

It is so **ORDERED**.

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The clerk is directed to transmit copies of this Order to the petitioner and all counsel of record.

Dated this 21st day of December, 2006

/s/ Irene M. Keeley
IRENE M. KEELEY